

REMARKS

By the foregoing amendment, Claims 1 and 10 have been amended to more precisely define the Applicant's invention. The Applicant submits that no new matter has been introduced by the foregoing amendment because the subject matter of the amendment is clearly described in the specification and is clearly shown in the drawings. Accordingly, in view of the foregoing amendment and the discussion which follows, the Applicant respectfully submits that this application is in condition for allowance and requests that the Examiner reconsider his rejection of the claims and pass this case to issue.

Claims 1, 2, 4 and 10 stand rejected under 35 USC 102(b) as being anticipated by US Patent No. 5,626,389 to Logan, Jr. Claims 1 and 10 have been amended, with Claims 2 and 4 depending from Claim 1. As applied to the amended claims, this rejection is respectfully traversed. As explained in response to the previous Office Action, the Applicant's claimed invention is a deceptively simple and economical construction that satisfies a long-felt need. According to the claimed invention, as set forth in amended independent Claims 1 and 10, with Claims 2 and 4 depending from Claim 1, a seat is fixedly secured to a support member which in turn directly pivots on a base frame so that the seat is pivotally moved in concert with pivoting of the support

member between a substantially horizontal orientation and an angled orientation. Arm rests are provided which are coupled to both the support member and the base frame. The arm rests function to assist the user in raising and lowering the seat. In contrast, Logan, Jr. discloses a complex mechanism which utilizes a parallel four-bar linkage to interconnect a seat and a frame.

Thus, according to Logan, Jr., the seat always remains substantially horizontal as it is moved between a lower orientation and a raised orientation, as opposed to the Applicant's claimed construction wherein the seat itself pivots relative to the base frame as it is moved. The support member 68 of Logan, Jr. is not directly pivotally coupled to the base frame, as now called for by the Applicant's amended independent Claims 1 and 10. Instead, the support member 68 of Logan, Jr. is indirectly coupled to the base frame through the link 62 (see col. 2, line 63 - col. 3, line 3 of Logan, Jr.). Accordingly, in the Applicant's claimed construction, the seat pivots relative to the base frame in concert with the pivoting of the support member relative to the base frame, since in the Applicant's claimed construction the seat is fixedly secured to the support member, whereas in Logan, Jr. the seat 12 is hinged to the support member 68 (see col. 6, lines 33 - 34 of Logan, Jr.) and

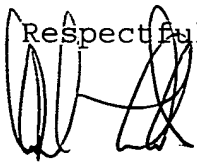
the support member 68 is indirectly hinged to the base frame through the link 62. Thus, according to Logan, Jr., the seat can be pivoted independently from the support member, in contrast to the construction set forth in the Applicant's claims. The Applicant submits that his simple construction, as now set forth in the Applicant's amended independent Claims 1 and 10, is neither taught nor suggested by Logan, Jr., who discloses a relatively complex parallel four-bar linkage to interconnect the seat with the base frame. Accordingly, the Applicant submits that Claims 1, 2, 4 and 10 are not anticipated by Logan, Jr., nor are they suggested by Logan, Jr. The Applicant therefore respectfully requests withdrawal of the rejection of Claims 1, 2, 4 and 10 under 35 USC 102(b) over Logan, Jr.

Claims 3 and 5-9 stand objected to as being dependent upon a rejected base claim, but are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. In view of the previous discussion, the Applicant submits that these claims are allowable as presently constituted.

Claims 1-10, as amended, are presented for consideration in this application. In view of the foregoing amendment and discussion, the Applicant submits that all of the Claims 1-10 are now clearly allowable and favorable action in that regard is

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earnestly solicited. If the Examiner is of the opinion that such action cannot be taken, he is invited to telephone the undersigned at (908) 719-8961 to discuss this matter without the necessity for any further Office Action.

Respectfully submitted,  
  
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